

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Noam J. Kritzer (nkritzer@bakoskritzer.com)

Edward P. Bakos (ebakos@bakoskritzer.com)

Bakos & Kritzer

147 Columbia Turnpike

Florham Park, New Jersey 07932

Telephone: 212-724-0770

Facsimile: 973-520-8260

Counsel for Plaintiff:

Voice Control Vehicles, LLC

VOICE CONTROL VEHICLES, LLC,

Plaintiff,

v.

AWW INDUSTRIES LLC and
DGL GROUP LTD.,

Defendants.

Civil Action No.

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Voice Control Vehicles, LLC (“VCV” or “Plaintiff”) files this Complaint against AWW Industries LLC (“AWW”) and DGL Group LTD. (“DGL”) (collectively “Defendants”) for infringement of U.S. Patent No. 8,401,860 (“the ’860 patent”).

THE PARTIES

1. VCV is a Texas limited liability company with its principal place of business at 836 Diamond Street, Laguna Beach, California 92651.

2. AWW is a New Jersey corporation with its principal place of business at 195 Raritan Center Parkway, Edison, New Jersey 08837. AWW does business in the State of New

Jersey and in the District of New Jersey. AWW can be served with process through its registered agent Allstate Corporate Service Corporation, 208 West State Street, Trenton, New Jersey 08608.

3. DGL is a New York corporation with its principal place of business at 195 Raritan Center Parkway, Edison, New Jersey 08837. DGL does business in the State of New Jersey and in the District of New Jersey. DGL can be served with process through its registered agent Ezra Zaafarani, 195 Raritan Center Parkway, Edison, New Jersey 08837.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284, among others.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) as it involves substantial claims arising under the Patent Laws of the United States together with related claims for patent infringement.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Defendants have committed acts of infringement in this judicial district and have regular and established places of business in this judicial district at 195 Raritan Center Parkway, Edison, New Jersey 08837.

7. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the New Jersey Long Arm Statute, due at least to their substantial business in this State and judicial district, including: (a) at least part of their infringing activities alleged herein; and (b) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold, and services provided, to New Jersey residents.

COUNT I **(Infringement of U.S. Patent No. 8,401,860)**

8. VCV incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, 35 U.S.C. §§ 271, *et seq.*

10. On March 19, 2013, the '860 patent was issued by the United States Patent and Trademark Office ("USPTO") to Paul R. Evans for an invention entitled, "Voice-Activated Command and Control for Remotely Controlled Model Vehicles." A true and correct copy of the '860 patent is attached hereto as Exhibit A.

11. VCV is the assignee of the '860 patent, with ownership of all substantial rights, including the right to exclude others and to enforce, sue, and recover damages for past, present, and future infringements.

12. The '860 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

Direct Infringement (35 U.S.C. § 271(a))

13. Defendants AWW and DGL have infringed, and continue to infringe, one or more claims of the '860 patent in this judicial district and elsewhere in New Jersey and the United States.

14. In particular, Defendants have, and continue to, infringe at least claims 1, 3, 4, 5, and 9 of the '860 patent by, among other things, making, using, offering for sale, selling and/or importing infringing devices including, but not limited to, Defendants' Quadrone Quadcopter (the "Accused Product").

15. Attached hereto as Exhibit B, and incorporated herein by reference, is a claim chart detailing how the Accused Product infringes the '860 patent.

16. Defendants are liable for these infringements of the '860 patent pursuant to 35 U.S.C. § 271.

17. VCV has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to VCV in an amount that adequately compensates VCV for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, VCV requests that the Court find in its favor and against Defendants, and that the Court grant VCV the following relief:

- a. Judgment that one or more claims of the '860 patent has been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to VCV all damages to, and costs incurred by, VCV because of Defendants' infringing activities and other conduct complained of herein;
- c. Judgment that Defendants account for and pay to VCV a reasonable, ongoing, post-judgment royalty because of Defendants' infringing activities and other conduct complained of herein;
- d. That VCV be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein; and
- e. That VCV be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests a jury trial on all issues so triable pursuant to FED. R. CIV.

P. 38(b) and L.R. 38-1.

Dated: January 31, 2019

Respectfully submitted,

s/ Noam J. Kritzer

Noam J. Kritzer

Edward P. Bakos

Bakos & Kritzer

147 Columbia Turnpike

Florham Park, New Jersey 07932

Telephone: (212) 724-0770

Telefacsimile: (973) 520-8260

nkritzer@bakoskritzer.com

ebakos@bakoskritzer.com

Counsel for Plaintiff:

Voice Control Vehicles, LLC

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

Plaintiff, by their undersigned counsel, hereby certify pursuant to Local Civil Rule 11.2 that the matters in controversy are not the subject of any other action pending in any other court or of any other pending arbitration or administrative proceeding.

Dated: January 31, 2019

Respectfully submitted,

s/ Noam J. Kritzer

Noam J. Kritzer
Edward P. Bakos
Bakos & Kritzer
147 Columbia Turnpike
Florham Park, New Jersey 07932
Telephone: (212) 724-0770
Telefacsimile: (973) 520-8260
nkritzer@bakoskritzer.com
ebakos@bakoskritzer.com

Counsel for Plaintiff:
Voice Control Vehicles, LLC